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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,034	11/23/2001	Jack E. Caveny	LCB358A	4452

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EXAMINER

DUONG, THOMAS

ART UNIT PAPER NUMBER

2145

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/992,034

Applicant(s)

CAVENEY, JACK E.

Examiner

Thomas Duong

Art Unit

2145

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 28 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: Please see attachment sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None.  
Claim(s) objected to: None.  
Claim(s) rejected: 1-25.  
Claim(s) withdrawn from consideration: None.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Attached  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
**JASON CARDONE**  
SUPERVISORY PATENT EXAMINER

Based on the amendment filed on April 28, 2006, the scopes of claims 13 and 21 are changed and therefore would require further consideration and/or search. Specifically the scopes of dependent claims 14-20 and 22 are changed because of the amendment; hence requiring further consideration and/or search.

## DETAILED ACTION

### *Response to Argument*

1. The Applicants' arguments and amendments filed on April 28, 2006 have been fully considered, but they are not persuasive.
2. With regard to claim 1, the Applicants point out that,
  - *However, Claim 1 recites that the visual indicator is disposed proximately to the corresponding data port. Nowhere, in either the figures or the text, does Krupka disclose the physical location of the output device. Nor does Krupka disclose the relationship between the physical location of the output device and the ports, unlike the arrangement recited in Claim 1.*

However, the Examiner finds that the Applicants' arguments are not persuasive because Krupka discloses, *"the scanner 30 may provide an interconnection status output to computer 10 or to any other computer or display in the system..."* (Krupka, col6, lines 62-65). Hence, Krupka teaches of outputting or displaying the interconnection status to computer 10 or to any other computer or display (e.g., desktops on rolling carts, laptops), which may be *"disposed proximately"* to the patch panels to assist the network administrators in troubleshooting possible network problems.

3. With regard to claim 1, the Applicants point out that,

- One embodiment of the instant apparatus, however, uses a specialized targeted scan or analysis of scan results during reconfiguration. Such a targeted scan or analysis reduces the time delay while permitting continuation of the changes made. This increases the efficiency of the reconfiguration in computational power, as well as time spent by the revisor(s). Thus, such an embodiment is clearly differentiated from that of the normal operation of Krupka.

However, the Examiner finds that the Applicants' arguments are not persuasive because the argued limitation is not present in the claimed language at all. The claimed language specifies "a scanner in communication with said computer processor, said scanner capable of polling at least information therefrom" (Claim 1), which Krupka clearly anticipates, "the scanner 30 may provide an interconnection status output to computer 10 or to any other computer or display in the system..." (Krupka, col6, lines 62-65). In addition, the Applicants admitted that "[a]s discussed in the previous response, such an arrangement has been described in the instant application as the normal operation of the system. During normal operation of the system, a full scan and comparative analysis, such as that in Krupka, is repeated such that the entire configuration can be determined at each polling and the polling results can be compared to an immediately previous polling to indicate any configuration change" (Remarks, pg.11, para.4-5).

4. With regard to claim 1, the Applicants point out that,

- One embodiment of the instant apparatus, however, uses a specialized targeted scan or analysis of scan results during reconfiguration. Such a targeted scan or analysis reduces the time delay while permitting continuation of the changes

*made. This increases the efficiency of the reconfiguration in computational power, as well as time spent by the revisor(s). Thus, such an embodiment is clearly differentiated from that of the normal operation of Krupka.*

However, the Examiner finds that the Applicants' arguments are not persuasive because it is unclear how an "analysis of scan results" is able to reduce the time delay. If anything, an analysis of the results would further delay the system and not "reduce" as the Applicants argued.

5. With regard to claim 5, the Applicants point out that,

- *To reiterate and amplify the previously presented arguments, however: Smith does not anticipate or suggest a portable information module such as that recited in Claim 5.*
- *Accordingly, Smith does not teach an arrangement in which, when the portable information module is connected to a local system port, the portable information module may be placed into communication with and display information about a particular data port.*

However, the Examiner finds that the Applicants' arguments are not persuasive because Smith clearly discloses, "a portable battery operated LAN link tester device which the user can use to determine if a network problem is with his personal computer network interface or with the wiring hub or both" (Smith, col.1, lines 53-56). In addition, Smith discloses, "the AUI/transmitted combination serve to generate a link pulse every 100 milliseconds and send it via the PC jack to any personal computer network interface connected to the PC jack or via the hub jack to any hub jack... Likewise any hub connected to the link tester thinks it is connected to a PC

*and transmit data packets intended for the PC to the link tester” (Smith, col.1, line 61 – col.2, line 3). Hence, Smith teaches of connecting the tester, through the hub jack, to any particular wall jack (i.e., the local system jack) via a cable to test the connection between the hub and the particular wall jack. Therefor, if there were a connection, or lacks thereof, the tester would alert the network administrator of a possible network connection problem between the hub and the particular wall jack.*

6. With regard to claim 23-25, the Applicants point out that,

- *However, each of these claims recites port plates, in addition to reciting data ports and local system ports. The Office Action does not specifically point out where port plates are disclosed in Krupka. This is because, in fact, nowhere does Krupka teach port plates.*

However, the Examiner finds that the Applicants' arguments are not persuasive because figure 1A of Krupka clearly discloses a “*port plate*”.

7. With regard to claims 2-4, 6-12, 14-20, and 22,

Please see the arguments presented above.